

**E-FILED ON JULY 31, 2006**

Annette W. Jarvis, Utah Bar No. 1649  
 RAY QUINNEY & NEBEKER P.C.  
 36 South State Street, Suite 1400  
 P.O. Box 45385  
 Salt Lake City, Utah 84145-0385  
 Telephone: (801) 532-1500  
 Facsimile: (801) 532-7543  
 Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)

and

Lenard E. Schwartzter, Nevada Bar No. 0399  
 Jeanette E. McPherson, Nevada Bar No. 5423  
 SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Telephone: (702) 228-7590  
 Facsimile: (702) 892-0122  
 E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)

Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:  
☒ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

**RESPONSE TO MOTION TO OBTAIN  
 INFORMATION**

**[AFFECTS ALL DEBTORS]**

Date: August 16, 2006  
 Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 · Fax: (702) 892-0122

1 USA Commercial Mortgage Company, USA Securities, LLC, USA Capital Realty  
 2 Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and USA Capital First Trust  
 3 Deed Fund, LLC (collectively, the “Debtors”), hereby submit this response to the Motion to  
 4 Obtain Information (docket no. 868).

## 5 POINTS AND AUTHORITIES

### 6 Facts

7 1. The Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code  
 8 on April 13, 2006. By order entered June 9, 2006, the Court approved the joint administration of  
 9 the Debtors’ bankruptcy cases.

10 2. On or about July 13, 2006, Nancy Allf (“Allf”) and Robert C. LePome (“LePome”), on  
 11 behalf of Stanley Alexander and others identified in the Rule 2019 statement filed in this case as  
 12 docket no. 650 (“clients”), filed a Motion to Obtain Information (the “Motion”).

13 3. The Motion requests that LePome be provided with copies of the appraisals recently  
 14 obtained by the Debtors on those properties securing loans in which the Allf and LePome clients  
 15 hold a direct interest.

16 4. Debtors’ counsel has been in contact with LePome regarding the Motion and the parties are  
 17 working on finalizing a confidentiality agreement so that copies of the requested appraisals can be  
 18 turned over to LePome.

### 19 RESPONSE

20 Based on LePome’s representation to Debtors’ counsel that he represents the clients  
 21 identified in the Rule 2019 statement on file in this case as docket no. 650, and that he has been  
 22 authorized by his clients to obtain copies of the real estate appraisals that were prepared for the  
 23 Debtors on those properties securing loans in which his clients hold a direct interest, the Debtors  
 24 do not have an objection to providing copies of the appropriate appraisals to LePome subject to  
 25 the execution of a confidentiality agreement. LePome has indicated in the Motion and orally to  
 26 Debtors’ counsel that he is willing to execute a confidentiality agreement, and Debtors’ counsel  
 27 has sent a proposed confidentiality agreement to LePome. After receipt of the confidentiality  
 28 agreement executed by LePome, Debtors will provide the appraisals to LePome. LePome has

1 indicated that after he receives the appraisals, the Motion will be withdrawn.

2 The Debtors request, if this Motion is heard, that any order requiring the Debtors to  
3 produce the appraisals be conditioned upon the recipients executing a confidentiality agreement.

4 Respectfully submitted this 31st day of July, 2006.

5  
6 /s/ Lenard E. Schwartz

7 Lenard E. Schwartz, Nevada Bar No. 0399  
8 Jeanette E. McPherson, Nevada Bar No. 5423  
9 SCHWARTZER & MCPHERSON LAW FIRM  
10 2850 South Jones Boulevard, Suite 1  
11 Las Vegas, Nevada 89146

12 and

13 Annette W. Jarvis, Utah Bar No. 1649  
14 RAY QUINNEY & NEBEKER P.C.  
15 36 South State Street, Suite 1400  
16 P.O. Box 45385  
17 Salt Lake City, Utah 84145-0385

18 885446.01 (amended)

SCHWARTZER & MCPHERSON LAW FIRM  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Tel: (702) 228-7590 · Fax: (702) 892-0122

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Las Vegas, Nevada 89146-5308  
Tel: (702) 228-7590 · Fax: (702) 892-0122

**CERTIFICATE OF SERVICE**

1. On July 31, 2006, I served the following document(s):

a. Response To Motion To Obtain Information [Affects All Debtors]

2. I served the above-named document(s) by the following means to the persons as listed below:

☒ a. **By ECF System:**

FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com

NANCY L ALLF nallf@parsonsbehle.com,  
klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com

BMC GROUP, INC. evrato@bmcgroup.com,  
ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com

KELLY J. BRINKMAN kbrinkman@gooldpatterson.com,

THOMAS R BROOKSBANK brooksbankt1@sbcglobal.net, kayal@sbcglobal.net

MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com

CANDACE C CARLYON ltreadway@sheacarlyon.com,  
ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rsmith! @sheacarlyon.com  
ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com

MICHAEL W. CHEN yvette@ccfirm.com

KEVIN B. CHRISTENSEN kbchrislaw@aol.com,

JANET L. CHUBB tbw@jonesvargas.com

JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com

WILLIAM D COPE cope\_guerra@yahoo.com, cope\_guerra@yahoo.com

CICI CUNNINGHAM bankruptcy@rocgd.com

LAUREL E. DAVIS bklsclv@lionelsawyer.com,  
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

THOMAS H. FELI L BANKRUPTCY NOTICES@GORDONSILVER.COM

SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com,ecfvegas@halelane.com

GREGORY E GARMAN bankruptcyntices@gordonsilver.com  
WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com

CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,  
Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov

SCHWARTZ & MCPHERSON LAW FIRM  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Tel: (702) 228-7590 · Fax: (702) 892-0122

1 GERALD M GORDON bankruptcynotices@gordonsilver.com  
2 TALITHA B. GRAY bankruptcynotices@gordonsilver.com  
3 MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com  
4 EDWARD J. HANIGAN ! haniganlaw@earthlink.net, haniganlaw1@earthlink.net  
5 XANNA R. HARDMAN xanna.hardman@gmail.com,  
6 STEPHEN R HARRIS noticesbh&p@renolaw.biz  
7 CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com  
8 EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com  
9 ANNETTE W JARVIS ,  
10 TY E. KEHOE TyKehoeLaw@aol.com  
11 ROBERT R. KINAS rkinas@swlaw.com,  
12 mstrand@swlaw.com;jlustig@swlaw.com;chaines@swlaw.com;imccord@swlaw.com  
13 ZACHARIAH LARSON ! ecf@lslawnv.com  
14 NILE LEATHAM ! nleatham@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com  
15 ROBERT C. LEPOME robert@robertlepome.com, susan@robertlepome.com  
16 REGINA M. MCCONNELL rmconnell@kssattorneys.com,  
17 WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com,  
18 RICHARD MCKNIGHT mcknightlaw@cox.net,  
19 gkopang@lawlasvegas.com;cburke@lawlasvegas.com,sforemaster@lawlasvegas.com  
20 SHAWN W MILLER bankruptcyfilings@sheacarlyon.com, smiller@sheacarlyon.c!  
21 om;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com  
22 DAVID MINCIN mcknightlaw@cox.net,  
23 gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com,sforemaster@lawlasveg  
24 as.com  
25 JOHN F MURTHA jmurtha@woodburnandwedge.com  
26 ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com  
27 BOB L. OLSON ecffilings@beckleylaw.com, bolson@beckleylaw.com;dgriffis@beckleylaw.com  
28 DONNA M. OSBORN ebaker@marquisaurbach.com,  
dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com  
DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com

SCHWARTZ & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 · Fax: (702) 892-0122

PAUL C R! AY ! info@joh npeterlee.com

SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com

SHLOMO S. SHERMAN ssherman@sheacarlyon.com,  
 aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;mmallet@  
 sheacarlyon.com;rsmith@sheacarlyon.com

JEFFREY G. SLOANE giklepel@yahoo.com, rmconnell@kssattorneys.com

DAVID A. STEPHENS dstephens@lvcm.com

PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com

JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com, David@sylvesterpolednak.com

CARYN S. ! TIJSESELING cst@beesleymatteoni.com, aha@beesleymatteoni.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov,

WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com

JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

☐ b. **By United States mail, postage fully prepaid:**

☐ c. **By Personal Service**

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed on: July 31, 2006

LIA DORSEY

(Name of Declarant)

/s/ LIA DORSEY

(Signature of Declarant)